

Report to	Planning Committee
Date	14 December 2017
By	Director of Planning
Local Authority	SDNPA (Arun)
Application Number	SDNP/17/00001/TPO
Applicant	N/A
Application	To confirm Tree Preservation Order on 1 No Blue Atlas Cedar Tree
Address	Soldiers Field, Soldiers Field Lane, Findon, Worthing, BN14 0SH

Recommendation:

That the provisional Tree Preservation Order SDNP/17/00001/TPO made on 29 June 2017 be confirmed.

Executive Summary

Following a request from Findon Parish Council, a provisional Tree Preservation Order (TPO) was made on a Blue Atlas cedar tree in June 2017.

Given that the site has been allocated for housing under the South Downs Pre-submission Local Plan, which currently carries some weight, the decision to confirm the TPO has been brought before the SDNPA Planning Committee Members.

1. Site Description

- 1.1 Soldiers Field is a residential property located within the village of Findon. The site is located on the eastern edge of the village to the north of Nephcote Green. The land to the east of the site consist of open agricultural fields. The site is visible from several public rights of way including a public footpath which runs along the western boundary of the site, and public bridleways and a public byway to the east.
- 1.2 The site is allocated through policy SD72 of the South Downs Pre-submission Local Plan (SDPLP) (2017) for up to 10-12 dwellings.
- 1.3 The house and garden are enclosed on all sides by a mature beech hedge. The tree that is the subject of the TPO is a Blue Atlas cedar tree located in the south eastern corner of the garden.

2. Relevant Planning History

- 2.1 The SDNPA received a request from Findon Parish Council in March 2017 to place a TPO on both the cedar tree, and the perimeter beech hedge, due to these being considered by the Parish to be both prominent and iconic within the Findon/Nephcote landscape and adjacent to Nephcote Green for which they are seeking Conservation Area Status appraisal.
- 2.2 A delegated officer decision was taken to make a provisional TPO on the tree only. Whilst not a native species, the Tree Officer considered it to be a maturing specimen with potential to make a long-term contribution to the landscape amenity. The provisional TPO was

therefore served due to the tree's contribution to the landscape character of the area, given its prominence in the open landscape setting and visibility from public vantage points.

2.3 Whilst the beech hedge is considered good visual containment for the site and an attractive landscape feature in its own right, advice contained within the National Planning Policy Guidance (NPPG) states that local authorities may only use an Order to protect 'anything that may ordinarily be termed a tree.' A TPO was therefore not served on the beech hedge.

2.4 The relevant parties, including the landowner and occupier, were notified and given the statutory period of time (1 month) in which to challenge the TPO. No representations were received.

3. Proposal

3.1 The decision must now be taken whether or not to confirm the provisional Tree Preservation Order, which expires on 29 December 2017.

4. Consultations

4.1 **Tree Officer:** No objection.

5. Planning Policy Context

5.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan is the saved policies of the Arun District Local Plan 2003. The relevant policies are set out in section 7 below.

National Park Purposes

5.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

5.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

5.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF). The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. In addition Paragraph 116 confirms that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

5.5 National and Local Policy context and how it relates to this particular application is explored in more detail in Section 8 of the report.

The South Downs National Park Partnership Management Plan

5.6 The South Downs National Park Partnership Management Plan 2014 is a material consideration in the determination of the application. The following policies are relevant:

- General Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting.

6. Planning Policy

6.1 The following saved policy in the Arun District Local Plan 2003 is relevant:

- GEN28 – Trees and Woodland

6.2 The following saved policy in the Findon Neighbourhood Development Plan is relevant:

- ES3 – Protection of trees and hedgerows

The South Downs National Park Partnership Management Plan

6.3 The South Downs Local Plan: Preferred Options underwent public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) between 2 September to 28 October 2015. The responses have been considered by the Authority. Subsequently, the South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between 26 September to 21 November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Arun District Local Plan (2003), the policies within the Pre-Submission Local Plan are currently afforded some weight. The relevant policies within the Pre-Submission Local Plan are:

- SD4: Landscape Character
- SD11: Trees, Woodland and Hedgerows
- SD72: Soldiers Field House, Findon

7. Planning Assessment

Background

- 7.1 National Planning Policy Guidance (NPPG) states that local planning authorities are able to make a Tree Preservation Order if they consider this ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.’
- 7.2 Authorities may either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.
- 7.3 ‘Amenity’ is not defined in law, however the NPPG advises that orders should be used if the removal of selected trees or woodland would have a significant negative impact on the local environment and its enjoyment by the public. When considering the amenity value of trees, authorities should take account of various factors including how visible the tree is to the public, its importance in terms of:
- size and form;
 - future potential as an amenity;
 - contribution to, and relationship with, the landscape; and
 - importance to nature conservation or response to climate change.
- 7.4 In terms of the expediency of serving an order, it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures. Authorities can also consider other sources of risks such as changes in property ownership. Intentions to fell trees are not always known in advance, and in some instances it is appropriate to proactively make Orders as a precaution.

Amenity of the tree

- 7.5 In this instance, the tree is a Blue Atlas cedar (*Cedrus Atlantica Glauca* Group), and observed by the Tree Officer to have no structural defects or signs of disease, and to be relatively young with considerable potential for further growth so will become increasingly prominent in the landscape as it matures.

- 7.6 As non-native species, the tree offers relatively low biodiversity value, and could be considered incongruous within the context of the surrounding rural character of the landscape. However within the context of the settlement of Findon, and proposed housing allocation on the site, the tree is considered to provide positive benefit in terms of amenity, especially given its future potential when mature, and could provide a beneficial focal point for the development.

Expediency of serving an order

- 7.7 A Tree Preservation Order would help ensure that the tree is retained pending consideration of a development proposal and, subject to a satisfactory relationship between the tree and development layout being achieved, would help protect the tree from damage during construction operations and secure its long-term retention. It will be important to ensure a large enough area of open space is retained around the tree to allow it to develop to maturity without overhang of adjacent land uses.
- 7.8 The retention of the tree could affect the layout of any development proposal and may reduce the number of units that could be achieved on the site. However, whilst, a TPO is a statutory level of protection, the presence of a TPO is not necessarily a block to development. Saved Policy GEN28 of the Arun District Local Plan (2003) states that development that would damage or destroy a TPO protected tree will only be permitted where it may be demonstrated that the public benefits of the development outweigh the tree's amenity value. Policy ES3 of the Findon NDP (2016) states that development proposals should ideally retain trees of good arboricultural and amenity value, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Policy SD11 of the SDPLP (2017) carries some weight, and states that the felling of protected trees will only be permitted in exceptional circumstances. Where a TPO tree is proposed to be lost due to development, a condition is normally applied securing the planting of a suitable replacement.
- 7.9 Given that the site is allocated for housing, and future development on the site is likely, confirming the provisional TPO is considered to be expedient. If the tree is not proposed to be retained, any development proposal would need to offset the amenity value of the tree through a carefully considered landscaping scheme that incorporates suitable replacement planting.

8. Conclusion

- 8.1 The proposal to confirm the TPO is considered expedient, given the tree's amenity value, and would not necessarily be a block to any future development. Permanent protection of the tree could secure a higher level of amenity and green infrastructure within a future housing scheme.

9. Reason for Recommendation

- 9.1 It is recommended that the Tree Preservation Order SDNP/17/00001/TPO made on 29 June 2017 is confirmed in order to protect the amenity value of the tree and its contribution to the landscape character of the area.

10. Crime and Disorder Implication

- 10.1 It is considered that the proposal does not raise any crime and disorder implications.

11. Human Rights Implications

- 11.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

12. Equality Act 2010

- 12.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

13. Proactive Working

13.1 In reaching this decision the Local Planning Authority has worked with all relevant parties in a positive and proactive way, in line with the NPPF.

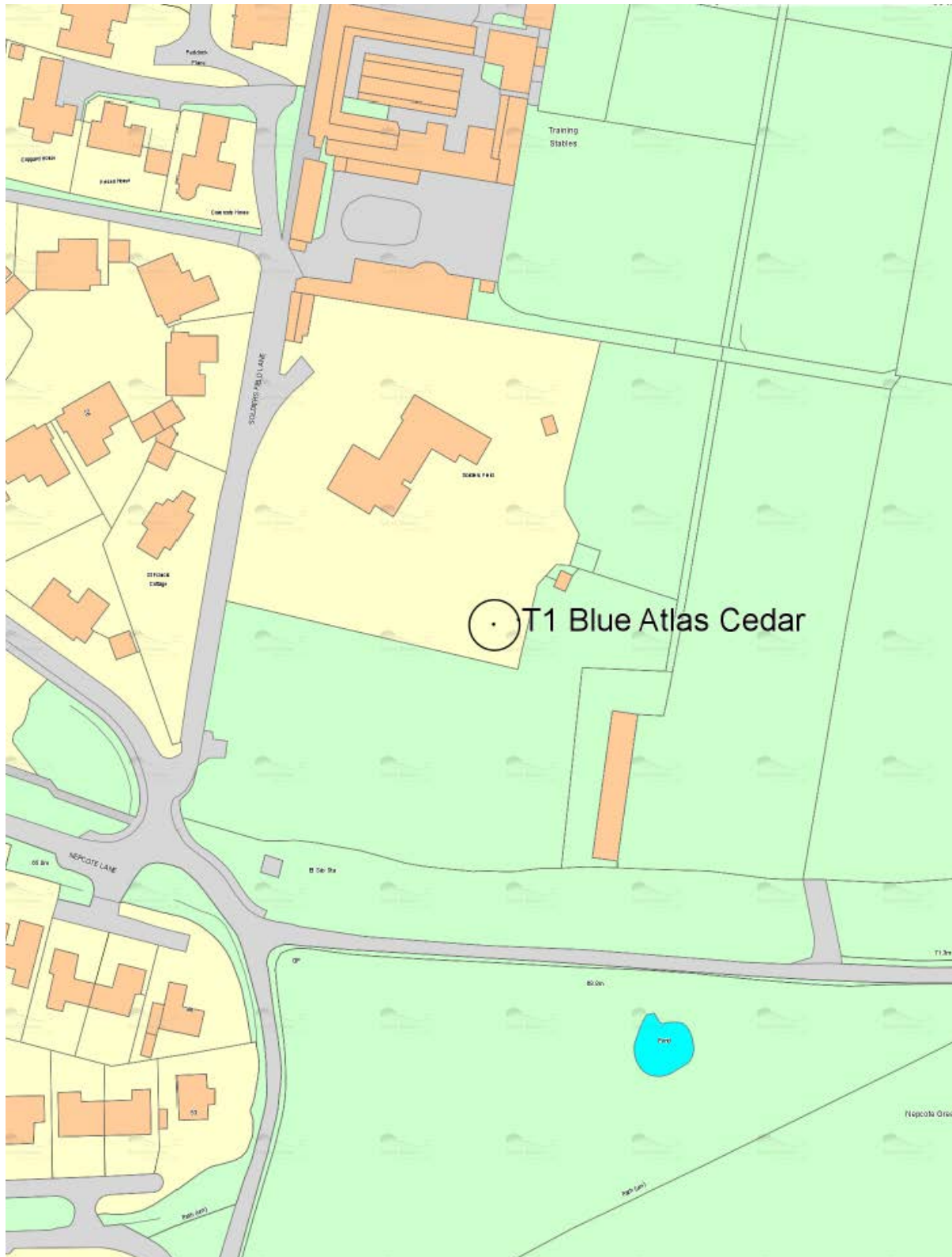
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Director of Planning

South Downs National Park Authority

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Appendices	<ol style="list-style-type: none">1. Site Location Map2. Tree Officer Report3. Copy of Tree Preservation Order
SDNPA Consultees	Development Manager, Legal Services
Background Documents	National Planning Policy Framework (2012) National Planning Policy Guidance Arun District Local Plan (2003) Findon Neighbourhood Plan (2016)

Site Location Map



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Tree Officer's Report



Arboriculturist's Report

Tree Preservation Order Confirmation - SDNP/17/00001/TPO

Name: Mike Bird
Location: Soldiers Field House, Soldiers Field Lane, Findon, Worthing, BN14 0SH
Date of Site Visit: 8 November 2017

Reason for Report

To provide arboricultural advice following close inspection of tree subject to provisional tree preservation order to inform decision on whether to confirm the order.

Assessment

I visited the site on 8 November to make a more detailed assessment of the tree as I did not have access to the site prior to the making of the provisional order and was only able to view the tree from Soldiers Field Lane. Whilst this was sufficient to assess the landscape value of the tree, it is important to ensure that the tree is in reasonable health and structural condition if the order is to be confirmed.

The tree is a Blue Atlas cedar (*Cedrus Atlantica* Glauca Group). There were no structural defects evident from my inspection and the tree appeared to be in good health. It is still relatively young with considerable potential for further growth so will become increasingly prominent in the landscape as it matures. As an exotic species / type, it does might be considered somewhat incongruous within the context of the surrounding rural character of the landscape, but within the context of the settlement and potential future development site, the tree should make an impressive specimen when mature. However, as stated in my original report, it will be important to ensure that the tree is retained in a large enough area of public open space to allow it to develop to maturity without overhang of adjacent land uses (an eventual crown radius of 12m is quite likely without regular pruning to restrict size and such pruning would impact on the natural form thus limiting the beauty of the tree as well as increasing landscape management costs).

Nevertheless, a tree preservation order would help ensure that the tree is retained pending consideration of a development proposal and, subject to a satisfactory relationship between the tree and development layout being achieved, would help protect the tree from damage during construction operations and secure its long-term retention if the land it is on is not subsequently adopted by a public body.

Recommendation

In my opinion, there are no arboricultural reasons why the tree preservation order should not be confirmed.